

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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V-5 TECHNOLOGIES, LLC d/b/a COBALT  
DATA CENTERS,

Plaintiff,

v.

SWITCH, LTD.,

Defendant.

Case No. 2:17-cv-02349-KJD-VCF

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFF'S  
REQUEST FOR PRETRIAL  
CONFERENCE**

Before the Court is Defendant's Emergency Request for Pretrial Conference (#400). Plaintiff responded in opposition (#401) and Defendant replied (#402).

I. Analysis

Defendant Switch, Ltd. ("Switch") seeks an extension for the Joint Pretrial Order deadline, an order to make Plaintiff V-5 Technologies, LLC d/b/a Cobalt Data Centers ("Cobalt") provide a new calculation of Cobalt's going concern value as of the day it went out of business, and an emergency pretrial conference. Switch argues that the pretrial conference is required to discuss the proper calculation of Cobalt's going concern value, how to handle the recent unexpected death of one of Switch's experts, and the possibility that the trial may be bifurcated. Switch also argues that an extension of the deadline is required because the case is complex, the COVID-19 pandemic makes it more difficult to prepare the Joint Pretrial Order, there is no rush because civil trials have not yet resumed in the District of Nevada, dealing with the loss of its expert may take time, and an extension will give the parties time to discuss potential mediation. Cobalt views the motion as an attempt to delay trial and, as such, opposes the motion. However, Cobalt's main objective is to proceed, and it does not oppose a reasonable extension if a date for trial is set. The Court grants in part and denies in part Switch's motion.

1 Switch will be granted a 90-day extension to file their Joint Pretrial Order, a tentative date for  
2 trial will be set, and no pretrial conference will be held.

3 The Court is aware that losing an expert witness can provide additional hurdles to trial  
4 preparation, especially in a complex trial with millions of pages of discovery like this one.  
5 Additionally, because Cobalt does not oppose an extension so long as a trial date is set, the Court  
6 finds that a 90-day extension is warranted. The parties will now have until May 17, 2021 to file  
7 their Joint Pretrial Order.

8 The parties propose that trial begin on September 13, 20, or 27, 2021, or as soon  
9 thereafter as the Court is available. Cobalt requests 20 days to complete the trial. Due to the  
10 Court's other obligations, trial will be tentatively set to begin November 15, 2021 at 9:00 a.m.  
11 Calendar call will take place November 9, 2021 at 9:00 a.m. All other documents will be due  
12 November 10, 2021. While the Court's desire is to proceed with this trial and complete the  
13 litigation of this case as quickly as possible, the COVID-19 pandemic complicates the Court's  
14 calendar. Criminal defendants with constitutional rights to a speedy trial will likely take  
15 precedent over other matters, including civil trials. The parties should plan and prepare to begin  
16 trial on November 15, 2021 with the understanding that potential delays may arise.

17 Finally, the Court does not see a need to hold a pretrial conference. Cobalt has provided  
18 Switch with its calculation of the going concern value of the company as of the time it went out  
19 of business and with the extension, Switch will be able to adequately prepare following the death  
20 of its expert. Additionally, whether the trial ends up being bifurcated does not impact the  
21 submission or preparation of the Joint Pretrial Order. As such, no pretrial conference is  
22 necessary.

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1           II.     Conclusion

2           Accordingly, IT IS HEREBY ORDERED that Defendant's Emergency Request for  
3 Pretrial Conference (#400) is **GRANTED IN PART AND DENIED IN PART**.

4 Dated this 12th day of February, 2021.

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7 Kent J. Dawson  
8 United States District Judge  
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